

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|----------------------------|
| DERRICK D. FONTROY, I. | : | |
| THEODORE B. SAVAGE, J.D. | : | |
| AARON C. WHEELER | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| vs. | : | No. 02-CV-2949 |
| | : | (3rd Cir. Docket: 07-2446) |
| JEFFREY A. BEARD, et. al. | : | |
| Defendants | : | (TIMOTHY J. SAVAGE, JUDGE) |

NOTICE OF WITHDRAWAL OF MOTION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

NOW COMES, THEODORE B. SAVAGE, J.D., and he hereby notifies this Court and stipulates to a withdrawal of his Motion For Expedited Video conference With Court, For Restraining Order, Injunction, Protective Order and/or Cautionary Order dated March 18, 2008, filed on or about March 20, 2008, and he avers as follows, to wit:

1. That by motion dated March 18, 2008, the undersigned Plaintiff sought relief from the confiscation/seizure of legal material/documents relative to this case and its related appeal at No. 07-2446, Third Circuit Court of Appeals, and other threats of retaliation by SCI-Cresson, 2-10 E-Unit Corrections Officer MOSCHGAT.

2. The undersigned Plaintiff has requested duplicate copies of the legal material/documents seized by Corrections Officer MOSCHGAT from his co-plaintiff Derrick Dale Fontroy, who is housed at SCI-Laurel Highlands, which are necessary for pursuit of the appeal pending aforementioned at Third Circuit Docket No. 07-2446.

3. That while the legal documents seized by Corrections Officer MOSCHGAT have not been returned to the undersigned Plaintiff, the underlying claims set forth in Plaintiffs motion have been amicably resolved through SCI-Cresson prison officials under terms agreed upon through prison officials not parties to this action.

4. That as Plaintiff is awaiting duplicate copies of the documents seized by Corrections Officer MOSCHGAT from his co-plaintiff Derrick Dale Fontroy, I., Plaintiff has agreed to the withdrawal of the above stated motion WITHOUT PREJUDICE to re-filing, should said Corrections Officer take additional or further retaliatory acts against the undersigned Plaintiff.

5. Based upon the foregoing, undersigned Plaintiff hereby withdraws the above stated motion WITHOUT PREJUDICE to re-filing,

- 2 -

should said Officer take additional or further retaliatory acts against the undersigned Plaintiff.

6. Plaintiff reserves the right to re-litigate the claims set forth in the above stated motion in this court, the Third Circuit Court of Appeals, or the United States District Court For The Western District of Pennsylvania, should Corrections Officer MOSCHGAT do any act to further retaliate against this Plaintiff for his litigation activity in this or any other court.

WHEREFORE, Plaintiff THEODORE B. SAVAGE, J.D. requests this court allow him to withdraw the aforesaid motion.

I declare under penalties of perjury that the foregoing is true and correct.

Respectfully submitted,

Theodore B. Savage

THEODORE B. SAVAGE, J.D.

SCI-Cresson, #CB-2674

P.O. Box A

Cresson, PA 16699

Date: March 21, 2008

Plaintiff Pro-Se

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|----------------------------|
| DERRICK D. FONTROY, I. | : | |
| THEODORE B. SAVAGE, J.D. | : | |
| AARON C. WHEELER | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| vs. | : | No. 02-CV-2949 |
| | : | (3rd Cir. Docket: 07-2446) |
| JEFFREY A. BEARD, et. al. | : | |
| Defendants | : | (TIMOHTY J. SAVAGE, JUDGE) |

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I am this day serving a true and correct copy of the foregoing document(s) upon the following individual(s) by Regular First Class Mail, Postage Prepaid, and addressed as follows:

Honorable Timothy J. Savage
Judges Chambers
U.S. District Judge
U.S. Courthouse, Room 7614
601 Market Street
Philadelphia, PA 19106

Mr. John Shellenberger, Esquire
Chief Deputy Attorney General
Office of Attorney General
21 S. 12th Street, 3rd FL.
Philadelphia, PA 19107

Honorable Mary A. McLaughlin
Judges Chambers
U.S. District Judge
U.S. Courthouse, Room 3809
601 Market Street
Philadelphia, PA 19106
Re: Civil Action No. 05-CV-2551
(COURTESY COPY)

Ms. Rebecca M. Reifer
Superintendent's Assistant
SCI-Cresson
P.O. Box A
Cresson, PA 16699
(COURTESY COPY)

Ms. Marcia M. Waldron, Clerk
Office of the Clerk
United States Court of Appeals
For The Third Circuit
United States Courthouse
601 Market Street
Philadelphia, PA 19106

By: Theodore B. Savage
THEODORE B. SAVAGE, J.D.
SCI-Cresson, #CB-2674
P.O. Box A
Cresson, PA 16699
Plaintiff Pro-Se

Date: March 21, 2008